

Subpart 78.95—Person in Charge of Transfer of Liquid Cargo in Bulk

§ 78.95–1 General.

A qualified person in charge of a transfer of liquid cargo in bulk shall be designated in accordance with subpart C of 33 CFR part 155.

[CGD 79–116, 60 FR 17157, Apr. 4, 1995]

PART 80—DISCLOSURE OF SAFETY STANDARDS AND COUNTRY OF REGISTRY

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AUTHORITY: 46 U.S.C. 3306; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 72–187R, 38 FR 9081, Apr. 10, 1973, unless otherwise noted.

§ 80.01 Purpose.

The purpose of the regulations in this part is to implement 46 U.S.C. 3504.

[CGD 95–028, 62 FR 51205, Sept. 30, 1997]

§ 80.10 Applicability.

Except as exempted in § 80.20, this part applies to—

(a) Owners, operators, agents, or any persons selling passage on a foreign or domestic vessel of one hundred gross tons or over having berth or stateroom accommodations for fifty or more passengers and embarking passengers at a United States port for a coastwise or an international voyage; and (b) owners, operators, agents, and other persons involved in the publishing and distribution of promotional material in or over any medium of communication within the United States offering passage or soliciting passengers for an ocean voyage anywhere in the world, by a vessel of one hundred gross tons or over having berth or stateroom accommodations for fifty or more passengers, regardless of whether passengers are embarked at United States ports for said voyage.

(b) [Reserved]

[CGD 79–180, 48 FR 7456, Feb. 22, 1983]

§ 80.15 Ocean voyage.

An ocean voyage for the purposes of this part means:

A voyage on any body of water seaward of the low water mark such as an ocean or arm thereof, other major bodies of water such as seas, gulfs, and straits, except voyages exclusively within harbors and small coastal indentations.

[CGD 79–180, 48 FR 7456, Feb. 22, 1983]

§ 80.20 Exception to requirements.

(a) This part does not apply to vessels that comply with the safety standards set forth in the International Convention for Safety of Life at Sea, 1974.

(b) If the exception in paragraph (a) of this section applies, the country of registry must appear in printed advertising or promotional literature as described in § 80.30(a), in a type no smaller than six points, American point system.

[CGD 72–187R, 38 FR 9081, Apr. 10, 1973, as amended by CGD 79–180, 48 FR 7456, Feb. 22, 1983; CGD 90–008, 55 FR 30661, July 26, 1990]

§ 80.25 Notification of safety standards.

(a) Each owner, operator, agent, or other person, selling passage for a coastwise or an international voyage embarking passengers at a United States port shall give to a prospective passenger, in writing, at the time of or before passage is booked, separately from any promotional literature or advertising used, a document containing the following information for each vessel concerned—

(1) The name of the vessel;

(2) The country of registry;

(3) One of the following statements as appropriate:

(i) This vessel complies with international safety standards, except the 1966 fire safety standards.

(ii) This vessel complies with international safety standards developed prior to 1960. There is (or, is not) an automatic sprinkler system fitted in the passenger living and public spaces. The hull, decks, deckhouses, structural bulkheads, and internal partitions are

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(*or, are not*) composed of combustible materials.

(iii) This vessel does not comply with any international safety standard. There is (*or, is not*) an automatic sprinkler system fitted in the passenger living and public spaces. The hull, decks, deckhouses, structural bulkheads, and internal partitions are (*or, are not*) composed of combustible materials.

(b) The information required in paragraph (a) of this section must be printed in a type no smaller than six points, American point system.

(c) The information required in paragraph (a) of this section must be headed—

- (1) “SAFETY INFORMATION”;
- (2) With each letter in the heading capitalized; and
- (3) In boldfaced type of a size equal to the size of the text required in paragraph (a) of this section.

[CGD 72-187R, 38 FR 9081, Apr. 10, 1973, as amended by CGD 79-180, 48 FR 7456, Feb. 22, 1983]

§ 80.30 Promotional literature or advertising.

(a) Except as provided in paragraph (f) of this section, all promotional literature or advertising in or over any medium of communication within the United States that offers passage or solicits passengers for ocean voyages anywhere in the world must contain the safety information statement prescribed in paragraph (b) of this section if—

- (1) A vessel is named; or
- (2) A voyage is described by—
 - (i) A stated port or area of departure;
 - (ii) A stated port or area of destination; or
 - (iii) A schedule of days of departure or arrival.

(b) The safety information statement required in paragraph (a) of this section must include—

- (1) The name of the vessel;
- (2) The country of registry; and
- (3) One of the following statements, as appropriate:

(i) This vessel complies with international safety standards, except the 1966 fire safety standards.

(ii) This vessel complies with international safety standards developed prior to 1960. There is (*or, is not*) an

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automatic sprinkler fitted in the passenger living and public spaces. The hull, decks, deckhouses, structural bulkheads, and internal partitions are (*or, are not*) composed of combustible materials.

(iii) This vessel does not comply with any international safety standard. There is (*or, is not*) an automatic sprinkler fitted in the passenger living and public spaces. The hull, decks, deckhouses, structural bulkheads, and internal partitions are (*or, are not*) composed of combustible materials.

(c) The safety information statement prescribed in paragraph (b) of this section must be—

(1) Printed in a type no smaller than 6 points, American point system, that is the same size as any other textual matter of the promotional literature or advertising, including any headings;

(2) Headed “SAFETY INFORMATION” in the same size type that is used in the safety information statement; and

(3) Separated from other portions of the text by double spacing or box ruling.

(d) If the promotional literature or advertising lists two or more passenger vessels, the owner or operator shall clearly indicate the safety information prescribed in paragraph (b) of this section for each vessel, but unnecessary repetition is not required.

(e) Each brochure, pamphlet, schedule, and similar publication required in paragraph (a) of this section to contain safety information must—

(1) State the safety information prescribed in paragraph (b) of this section at least once for each vessel named; and

(2) Include a reference in the index of contents or the cover regarding the page number where the safety information for each vessel is located.

(f) The section does not apply to—

(1) An advertising sign that is towed, displayed, or written by aircraft;

(2) An advertisement in a trade publication that is directed to the professional counselors in the travel industry and not intended or used for general distribution to the public for solicitation of passage on a vessel; or

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(3) An advertisement within a magazine, newspaper, periodical, or similar publication that is—

- (i) Produced outside of the United States;
- (ii) Not an American edition; and
- (iii) Primarily distributed in the country in which it is produced.

§ 80.40 Civil penalty.

For each violation of the regulations in this part, the owner, operator, agent, or other person involved is subject to the penalties prescribed in 46 U.S.C. 3504.

[CGFR 72-187R, 38 FR 9081, Apr. 10, 1973, as amended by CGD 95-028, 62 FR 51205, Sept. 30, 1997]

PARTS 81-89 [RESERVED]